the federal territories, possessions, and protectorates in the Pacific; and

''Whereas United States Representatives Bunn and White of Oregon, Representative Dunn of Washington, and Representative Young of Alaska have introduced H.R. 2935, a bill that would amend Title 28 of the United States Code to divide the Court of Appeals for the Ninth Circuit into two circuits, and that has the short title of the ''Ninth Circuit Court of Appeals Reorganization Act of 1996''; and

''Whereas H.R. 2935 proposes to remove the states of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington from the Court of Appeals for the Ninth Circuit and place them in a new Court of Appeals for the Twelfth Circuit to be headquartered in Portland, Oregon; and

''Whereas H.R. 2935 would make each circuit judge of the Court of Appeals for the Ninth Circuit whose duty station is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington a circuit judge of the new Court of Appeals for the Twelfth Circuit; and

''Whereas the membership of the Court of Appeals for the Ninth Circuit is heavily weighted toward the State of California and the court seems to concern itself predominately with issues arising out of California and the southwestern United States; and

''Whereas the Court of Appeals for the Ninth Circuit's case filings are greater than any other federal circuit; and

''Whereas members of the Court of Appeals for the Ninth Circuit have shown a surprising lack of understanding of Alaska's people and geography that has resulted in decisions that have often caused the people of Alaska unnecessary hardship; and

''Whereas, in the so-called ''Katie John'' subsistence case, which is of tremendous importance to the people of the State of Alaska, even though the Court of Appeals for the Ninth Circuit granted expedited consideration of that case, the court did not issue its decision for over 13 months; this expedited decision is now under reconsideration by the court; and

''Whereas Attorney General Bruce Botelho estimates that there are more than 200 Alaska cases currently pending before the Court of Appeals for the Ninth Circuit; and

''Whereas the Attorneys General of the States of Idaho, Montana, Oregon, and Washington have also found that similar issues of unnecessary delay concerning, lack of understanding of, and lack of consideration for cases and issues by the Court of Appeals for the Ninth Circuit exist in regard to those states; and

''Whereas the Attorneys General of the States of Alaska, Idaho, Montana, Oregon, and Washington have endorsed S. 956, the United States Senate counterpart to H.R. 2935; and

''Whereas the creation of a new Court of Appeals for the Twelfth Circuit encompassing the States of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington by H.R. 2935 would benefit these similar states by providing speedier and more consistent rulings by jurists who have a greater familiarity with the social, geographical, political, and economic life of the region;

''*Be it Resolved,* That the Alaska State Legislature supports creation of a new Court of Appeals for the Twelfth Circuit for the States of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington headquartered in the Pacific Northwest; and respectfully requests the United States Congress to act in an expeditious manner.''

POM–653. A joint resolution adopted by the Legislature of the State of Rhode Island; to the Committee on Labor and Human Resources.

''JOINT RESOLUTION

''Whereas, Improving patient access to qualify health care is a paramount national goal; and

''Whereas, The key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products and medical devices; and

''Whereas, Minimizing the delay between discovery and eventual approval of a new drug, biological produce, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

''Whereas, Current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals and patients, and unfairly limit the right of free speech guaranteed by the First Amendment to the United States Constitution; and

''Whereas, The current rules and practices governing the review of new drugs, biological products, and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive; now, therefore, be it

''*Resolved,* That this general assembly of the state of Rhode Island and Providence Plantations hereby respectfully urges the President and the Congress of the United States to address this important issue by enacting comprehensive legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness;

''*Resolved,* That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the Rhode Island delegation in Congress.

POM–654. A resolution adopted by the Council of the City and County of Honolulu, Hawaii relative to the draft of proposed legislation entitled ''Private Storage Facility Authorization Act of 1996''; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 1950. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FORD (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. BYRD, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY, and Mr. COHEN):

S. 1951. A bill to ensure the competitiveness of the United States textile and apparel industry; to the Committee on Finance.

By Mr. THOMPSON (for himself and Mr. BIDEN):

S. 1952. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 278. A resolution to authorize testimony, production of documents, and representation of Senate employee in State of Florida v. Kathleen Bush; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1950. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

THE BEACHES ENVIRONMENT ASSESSMENT, CLOSURE AND HEALTH ACT OF 1996

Mr. LAUTENBERG. Mr. President, I rise to introduce the Beaches Environmental Assessment, Closure, and Health [BEACH] Act of 1996.

Mr. President, coastal tourism generates billions of dollars every year for local communities nationwide. Moreover, our coastal areas provide immeasurable benefits for millions of Americans who want to build sand castles, cool off in the water, take a walk with that special someone, or just relax. New Jersey's tourism sector is the second largest revenue-producing industry in the State. Without a doubt, the lure of my State's beaches generates most of this revenue—over $7 billion annually.

Mr. President, alarmingly, this heavily used natural resource can actually pose a threat to human health if it is not properly managed. Studies conducted during the past two decades show a definite relationship between the amount of indicator bacteria in coastal waters and the incidence of swimming-associated illnesses.

Viruses are believed to be the major cause of swimming-associated diseases—gastroenteritis and hepatitis are the most common ones worldwide. And because an individual afflicted with these diseases is contagious to others in his or her household, the risk of sewage-borne illness does not end with the bather. Additional diseases that can be contracted by swimmers include an infection caused by the toxigenic bacteria E. coli—the bacteria found in Jack-in-the-Box hamburgers which caused an outbreak of illnesses a few years ago.

Yet many current, EPA approved techniques to measure marine water quality appear to underestimate the true number of viable pathogens that are entering the marine environment. Existing EPA guidelines allow States to decide whether their beach waters are safe for swimming based on monthly averages. Waters may appear safe in the long term, but short-term violations of the public health standard go unrecognized.

The existing EPA guidelines are not useful for decisionmakers, who need to decide whether they should allow people to swim at the beach tomorrow or during the coming weekend. Using monthly water quality averages to determine if the beach is safe for swimming is like taking a patient's temperature average over a week to see if the patient is sick. The patient's average temperature could be just about normal. But in the meantime, the patient could die. EPA must develop new standards because existing EPA guidelines simply fall short.

While some States use these inadequate EPA guidelines, others have no programs for regularly monitoring their beachwater for swimmer safety. In a report released today, Testing the Waters: Who Knows What You're Getting Into, the Natural Resources Defense Council [NRDC] found that only five States—New Jersey, Connecticut, Delaware, Illinois, and Indiana—comprehensively monitor their beaches, and a mere five States consistently close beaches every time bacteria water quality standards are violated. Additionally, NRDC found that a high-bacteria level can cause a beach closure in one State while in another State people may be allowed to swim in the water despite equal health risks. This discrepancy among coastal States threatens public health.

The NRDC report also found that high levels of bacteria in coastal waters—primarily from raw human sewage—are responsible for the overwhelming majority of beach closures and advisories in the United States. In 1995, U.S. ocean, bay, and Great Lakes beaches were closed, or advisories were issued against swimming, on more than 3,522 occasions.

New Jersey has been aggressive when it comes to protecting public health at the beach. New Jersey is the only State to have a mandatory beach protection program that includes a bacteria standard, a monitoring program, and mandatory beach closure requirements when the bacteria standard is exceeded. The program is designed to address water quality from both a health and an environmental perspective. Beaches are closed when bacteria levels exceed the standard regardless of the pollution source.

Ironically, New Jersey suffers because it does more to protect public health. In some years, annual losses from beach closures in New Jersey have ranged from $800 million to $1 billion.

The bill that I am introducing today will address the uneven coastal commitment to protect beach goers by establishing uniform testing and monitoring procedures for pathogens and floatables in marine recreation waters. This bill also requires EPA to establish a nationwide public health standard for determining when States should notify the public of health risks due to pathogen contaminated waters.

This bill requires the EPA to establish procedures to monitor coastal waters to detect short-term increases in pathogenicity and to set minimum standards to protect the public from pathogen contaminated beach waters. And it will assure that the public is notified when beach waters exceed the standards and public health may be at risk.

Whether they're in the Carolinas or in California, in New Jersey or New York, people across the country have a right to know when the water is and is not safe to swim in. Beach goers should be able to wade or swim in the surf without the fear of getting sick. Going to the beach should be a healthy and rejuvenating experience. A day at the beach shouldn't be followed by a day at the doctor.

Mr. President, I urge my colleagues to join me in recognizing the importance of protecting public health at our Nation's beaches by cosponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Beaches Environmental Assessment, Closure, and Health Act of 1996''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Nation's beaches are a valuable public resource used for recreation by millions of people annually;

(2) the beaches of coastal States are hosts to many out-of-State and international visitors;

(3) tourism in the coastal zone generates billions of dollars annually;

(4) increased population has contributed to the decline in the environmental quality of coastal waters;

(5) pollution in coastal waters is not restricted by State and other political boundaries;

(6) each coastal State has its own method of testing the quality of its coastal recreation waters, providing varying degrees of protection to the public; and

(7) the adoption of standards by coastal States for monitoring the quality of coastal recreation waters, and the posting of signs at beaches notifying the public during periods when the standards are exceeded, would enhance public health and safety.

(b) PURPOSE.—The purpose of this Act is to require uniform procedures for beach testing and monitoring to protect public safety and improve the environmental quality of coastal recreation waters.

SEC. 3. WATER QUALITY CRITERIA AND STANDARDS.

(a) ISSUANCE OF CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

''(9) COASTAL RECREATION WATERS.—(A) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue within 18 months after the effective date of this paragraph (and review and revise from time to time thereafter, but in no event less than once every 5 years) water quality criteria for pathogens in coastal recreation waters. Such criteria shall—

''(i) be based on the best available scientific information;

''(ii) be sufficient to protect public health and safety in case of any reasonably anticipated exposure to pollutants as a result of swimming, bathing, or other body contact activities; and

''(iii) include specific numeric criteria calculated to reflect public health risks from short-term increases in pathogens in coastal recreation waters resulting from rainfall, malfunctions of wastewater treatment works, and other causes.

''(B) For purposes of this paragraph, the term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar primary contact purposes.''.

(b) STANDARDS.—

(1) ADOPTION BY STATES.—A State shall adopt water quality standards for coastal recreation waters which, at a minimum, are consistent with the criteria published by the Administrator under section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)), as amended by this Act, not later than 3 years following the date of such publication. Such water quality standards shall be developed in accordance with the requirements of section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)). A State shall incorporate such standards into all appropriate programs into which such State would incorporate other water quality standards adopted under section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)).

(2) FAILURE OF STATES TO ADOPT.—If a State has not complied with paragraph (1) by the last day of the 3-year period beginning on the date of publication of criteria under section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)), as amended by this Act, the water quality criteria issued by the Administrator under such section shall become applicable as the water quality standards for coastal recreational waters for the State. The State shall use the standards issued by the Administrator in implementing all programs for which water quality standards for coastal recreation waters are used.

SEC. 4. COASTAL BEACH WATER QUALITY MONITORING.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341–1345) is amended by adding at the end thereof the following new section:

''SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.

''(a) MONITORING.—Not later than 9 months after the date on which the Administrator publishes revised water quality criteria for coastal recreation waters under section 304(a)(9), the Administrator shall publish regulations specifying methods to be used by States to monitor coastal recreation waters, during periods of use by the public, for compliance with applicable water quality standards for those waters and protection of the public safety. Monitoring requirements established pursuant to this subsection shall, at a minimum—

''(1) specify the frequency of monitoring based on the periods of recreational use of such waters;

''(2) specify the frequency of monitoring based on the extent and degree of use during such periods;

''(3) specify the frequency of monitoring based on the proximity of coastal recreation waters to pollution sources;

''(4) specify methods for detecting levels of pathogens and for identifying short-term increases in pathogens in coastal recreation waters; and

''(5) specify the conditions and procedures under which discrete areas of coastal recreation waters may be exempted by the Administrator from the monitoring requirements of this subsection, if the Administrator determines that an exemption will not impair—

''(A) compliance with the applicable water quality standards for those waters; and

''(B) protection of the public safety.

''(b) NOTIFICATION REQUIREMENTS.—Regulations published pursuant to subsection (a) shall require States to notify local governments and the public of violations of applicable water quality standards for State coastal recreation waters. Notification pursuant to this subsection shall include, at a minimum—

''(1) prompt communication of the occurrence, nature, and extent of such a violation, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which a violation is identified; and

''(2) posting of signs, for the period during which the violation continues, sufficient to give notice to the public of a violation of an applicable water quality standard for such waters and the potential risks associated with body contact recreation in such waters.

''(c) FLOATABLE MATERIALS MONITORING PROCEDURES.—The Administrator shall—

''(1) issue guidance on uniform assessment and monitoring procedures for floatable materials in coastal recreation waters; and

''(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

''(d) DELEGATION OF RESPONSIBILITY.—A State may delegate responsibility for monitoring and posting of coastal recreation waters pursuant to this section to local government authorities.

''(e) REVIEW AND REVISION OF REGULATIONS.—The Administrator shall review and revise regulations published pursuant to this section periodically, but in no event less than once every 5 years.

''(f) DEFINITIONS.—For the purposes of this section, the following definitions apply:

''(1) COASTAL RECREATION WATERS.—The term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

''(2) FLOATABLE MATERIALS.—The term 'floatable materials' means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.''.

SEC. 5. STUDIES TO IDENTIFY INDICATORS OF HUMAN-SPECIFIC PATHOGENS IN COASTAL RECREATION WATERS.

(a) STUDIES.—The Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct studies to provide additional information to the current base of knowledge for use for developing better indicators for directly detecting in coastal recreation waters the presence of bacteria and viruses which are harmful to human health.

(b) REPORT.—Not later than 4 years after the date of the enactment of this Act, and periodically thereafter, the Administrator shall submit to the Congress a report describing the findings of the studies under this section, including—

(1) recommendations concerning the need for additional numerical limits or conditions and other actions needed to improve the quality of coastal recreation waters;

(2) a description of the amounts and types of floatable materials in coastal waters and on coastal beaches and of recent trends in the amounts and types of such floatable materials; and

(3) an evaluation of State efforts to implement this Act, including the amendments made by this Act.

SEC. 6. GRANTS TO STATES.

(a) GRANTS.—The Administrator may make grants to States for use in fulfilling requirements established pursuant to section 3 and 4.

(b) COST SHARING.—The total amount of grants to a State under this section for a fiscal year shall not exceed 50 percent of the cost to the State of implementing requirements established pursuant to section 3 and 4.

SEC. 7. DEFINITIONS.

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COASTAL RECREATION WATERS.—The term ''coastal recreation waters'' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

(3) FLOATABLE MATERIALS.—The term ''floatable materials'' means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator—

(1) for use in making grants to States under section 6 not more than $4,000,000 for each of the fiscal years 1997 and 1998; and

(2) for carrying out the other provisions of this Act not more than $1,500,000 for each of the fiscal years 1997 and 1998.

By Mr. FORD (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. BYRD, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY and Mr. COHEN):

S. 1951. A bill to ensure the competitiveness of the United States textile and apparel industry; to the Committee on Finance.

THE CUSTOMS ENFORCEMENT AND MARKET ACCESS ACT OF 1996

Mr. FORD. Mr. President, today I am introducing legislation that is badly needed by the American textile and apparel industry and its workers. It complements an effort in the other body spearheaded by JOHN SPRATT of South Carolina and supported by over 100 Members of the House. My legislation is aimed at opening markets around the world and at enforcing the rules of the road that govern trade in textile goods. Broadly speaking, it will do so in four ways.

First, by extending the same authority that now exists for enforcing intellectual property rights to opening markets for U.S. textile and apparel products. Second, by supporting U.S. textile and apparel producers in their ongoing efforts to modernize and become more internationally competitive. Third, by strengthening U.S. laws against illegal trading practices like piracy, undervaluation, and transshipment in the textile and apparel area. And lastly, by beefing up the ability of the U.S. Government to enforce its trade laws and trade agreements.

Mr. President, 2 years ago, Congress passed the GATT implementing bill which will end all limits on textile imports by the year 2005. Our textile and apparel industry, which argued for a longer phase-out period, very reluctantly accepted this outcome.

The industry accepted this outcome because it had already made a commitment to compete in the global economy. Our textile and apparel industry has invested billions of dollars in becoming more competitive—about $12 billion just since the GATT implementing bill was passed.

They've supported the aggressive efforts of the President and USTR to open markets to American products. And our industry has committed to exporting.

But what happens when American textile and apparel producers go to foreign markets to sell their products? Too often, they find a closed door. Worse still, those same countries that ship the most to the United States are often the ones whose markets are closed to U.S. products. China, for example, which is our No. 1 source of textile and apparel imports, shipped $6.6 billion worth of textile and apparel goods in 1995, but allowed the sale of only $63 million of United States goods. Likewise, our textile and apparel exports to India and Pakistan were just $19 million last year, while those two countries sent us $2.8 billion worth of textile goods.

Clearly, we can't tell our industry to sell its products overseas if overseas markets are closed to American goods. My bill will help by requiring that textile agreements include specific market access commitments and by providing for a regular evaluation of the market access given to U.S. products.

Mr. President, nearly 1.5 million Americans are employed directly in the textile and apparel industries, about 40,000 of them in my State of Kentucky. American textile and apparel workers are among the most productive in the world and make some of the finest goods anywhere. Unfortunately, during 1995, 150,000 of those workers lost their jobs, due in large part to surging levels of textile imports. Most of these workers live in rural areas where jobs, particularly good jobs, are not always easy to come by. For those workers, when the local textile mill or apparel facility closes, there simply aren't other jobs.

Now, it's bad enough that many of those imports and lost jobs are due to trade agreements that we should not have passed, like the NAFTA. But what's much worse is the fact that thousands upon thousands of jobs are lost because of illegal textile imports. This bill will give the Customs Service badly needed tools to fight against textile and apparel transshipments and counterfeit textile goods. And, it will raise the penalty for those who break our laws in textile trade.

Mr. President, I want to thank those Senators who have agreed to join me in

introducing this important legislation. I am particularly pleased that we have been able to work on this in a bipartisan fashion, as we have so many times in the past on the issues that affect our textile and apparel workers.

This bill is not about protectionism. It's not about special favors for a particular industry. It's about basic fairness in how we trade with other nations. It's about enforcing our trade laws and standing up for American textile and apparel workers.

Mr. President, my bill's message is a simple one: Our textile and apparel industry and its workers are ready to compete. We should pass the Customs Enforcement and Market Access Act this year to make sure they can compete, both here in the United States and in markets around the world.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD at this time, along with the cosponsorship of Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY, Mr. COHEN, and Mr. BYRD, and that it be referred to the appropriate committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask unanimous consent that the RECORD remain open until the close of business today so that other Senators may add their names to the bill as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Customs Enforcement and Market Access Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the textile and apparel industry is a key part of the United States manufacturing base and the third largest manufacturing sector in the United States economy;

(2) textile and apparel facilities are often located in economically sensitive regions;

(3) the industry has demonstrated an ability to compete in the global economy where market access is available;

(4) the domestic textile and apparel industry has committed significant resources to be competitive and productive;

(5) workers in the industry make the highest quality textile and apparel goods in the world and are the world's most productive;

(6) the industry is preparing to compete in the world market without the protection of import quotas authorized by the Multifiber Arrangement; and

(7) United States trade policy should be oriented toward expanding exports and ensuring that United States trade laws are vigorously enforced.

(8) The Committee for the Implementation of Textile Agreements, the Office of Textiles, Apparel, and Consumer Goods of the Department of Commerce, and the Ambassador for Textiles and Apparel in the Office of the United States Trade Representative—

(A) play central and indispensable roles in administering the laws governing trade in textile and apparel goods;

(B) have diligently carried out laws enacted by the Congress and under powers delegated to them by the President; and

(C) have acted in accordance with United States and international law.

SEC. 3. MARKET ACCESS FOR UNITED STATES TEXTILE AND APPAREL PRODUCTS.

(a) ACCESSION PROTOCOLS.—In any case in which the United States negotiates a protocol for accession of a country to the World Trade Organization, the Trade Representative shall negotiate for inclusion in that protocol, in addition to any other provisions, the following:

(1) Provisions for effective market access to that country's domestic markets for textile and apparel products of the United States.

(2) Provisions allowing the suspension or revocation of the provisions of paragraph 14 (relating to increasing import levels based on growth rates) of the Agreement on Textiles and Clothing if the United States determines that the country has failed to enforce the provisions referred to in paragraph (1).

(b) BILATERAL AGREEMENTS WITH COUNTRIES THAT ARE NOT WTO MEMBERS.—In any case in which the United States negotiates a textile agreement with a country that is not a WTO member, including any agreement negotiated pursuant to section 5 of this Act, the Trade Representative shall negotiate for inclusion in that textile agreement, in addition to any other provisions, the following:

(1) Provisions for effective market access to that country's domestic markets for textile and apparel products of the United States.

(2) Provisions that recognize the right of the United States to pursue remedies under United States law, including section 301 of the Trade Act of 1974, to respond to the denial of market access described in paragraph (1).

(c) REVIEW OF TEXTILE AGREEMENTS.—The Trade Representative shall take into account the compliance of countries with the provisions negotiated under subsections (a) and (b) in identifying countries for purposes of section 183 of the Trade Act of 1974, as added by subsection (d) of this section.

(d) PRIORITY FOREIGN COUNTRIES.—

(1) IN GENERAL.—Chapter 8 of title I of the Trade Act of 1974 (19 U.S.C. 2241 and following) is amended by adding at the end the following new section:

''SEC. 183. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS FOR TEXTILE AND APPAREL PRODUCTS.

''(a) IN GENERAL.—By no later than the date that is 30 days after the date on which the annual report is submitted to congressional committees under section 181(b), the United States Trade Representative (hereafter referred to as the 'Trade Representative') shall identify—

''(1) those foreign countries that deny fair and equitable market access to United States persons that produce or sell textile or apparel products, and

''(2) those foreign countries identified under paragraph (1) that are determined by the Trade Representative to be priority foreign countries.

''(b) SPECIAL RULES FOR IDENTIFICATIONS.—In identifying priority foreign countries under subsection (a), the following shall apply:

''(1) In identifying priority foreign countries under subsection (a)(2), the Trade Representative shall identify only those foreign countries—

''(A) that have the most onerous or egregious acts, policies, or practices that deny fair and equitable market access to United States persons that sell or produce textile or apparel products,

''(B) whose acts, policies, or practices described in subparagraph (A) have the greatest adverse impact (actual or potential) on the relevant United States products, and

''(C) that are not—

''(i) entering into good faith negotiations, or

''(ii) making significant progress in bilateral or multilateral negotiations,

to provide adequate and effective market access for textile and apparel products of the United States.

''(2) In identifying foreign countries under subsection (a)(2), the Trade Representative shall—

''(A) consult with the Chair of the Committee for the Implementation of Textile Agreements and other appropriate officers of the Federal Government, and

''(B) take into account information from such sources as may be available to the Trade Representative and such information as may be submitted to the Trade Representative in reports submitted under section 181(b) and petitions submitted under section 302.

''(3) The Trade Representative may identify a foreign country under subsection (a)(1) only if the Trade Representative finds that there is a factual basis for the denial of fair and equitable market access as a result of the violation of international law or an international agreement, or the existence of barriers referred to in subsection (d)(1).

''(4) In identifying foreign countries under paragraphs (1) and (2) of subsection (a), the Trade Representative shall take into account—

''(A) the history of market access laws and practices of the foreign country, including any previous identification under subsection (a)(2); and

''(B) the history of efforts of the United States, and the response of the foreign country, to achieve fair and equitable market access for textile and apparel products.

''(c) REVOCATIONS AND ADDITIONAL IDENTIFICATIONS.—

''(1) IN GENERAL.—The Trade Representative may at any time—

''(A) revoke the identification of any foreign country as a priority foreign country under this section, or

''(B) identify a foreign country as a priority foreign country under this section,

if information available to the Trade Representative indicates that such action is appropriate.

''(2) REPORTS TO CONGRESS.—The Trade Representative shall include in the semiannual report submitted to the Congress under section 309(3) a detailed explanation of the identification of any foreign country as a priority foreign country under this section.

''(d) DEFINITIONS.—For the purposes of this section—

''(1) a foreign country denies fair and equitable market access if the foreign country effectively denies access for textile or apparel products of the United States through the use of laws, procedures, practices, or regulations which—

''(A) violate provisions of international law or international agreements to which both the United States and the foreign country are parties, or

''(B) constitute discriminatory nontariff trade barriers;

''(2) a foreign country may be determined to deny fair and equitable market access for textile or apparel products, notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act; and

''(3) fair and equitable market access is not demonstrated only by access for those textile and apparel products that are subsequently reexported to the United States as finished textile or apparel products.

In determining whether a foreign country denies fair and equitable market access, the Trade Representative shall consider whether the foreign country has enacted and is enforcing laws which prevent and punish the manufacture, sale, or exportation of counterfeit textile and apparel goods.

''(e) PUBLICATION.—The Trade Representative shall publish in the Federal Register a list of foreign countries identified under subsection (a) and shall make such revisions to the list as may be required by reason of action under subsection (c).''.

(2) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 182 the following new item:

''Sec. 183. Identification of countries that deny market access for textile and apparel products.''.

(3) TITLE III ACTION.—Section 302(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(A)) is amended by inserting ''or section 183(a)(2)'' after ''182(a)(2)''.

SEC. 4. TEXTILE GLOBAL COMPETITIVENESS RESEARCH FUND.

(a) ESTABLISHMENT.—There is established in the United States Treasury a Textile Global Competitiveness Research Fund (hereafter in this Act referred to as the ''Fund'').

(b) USE OF FUND.—Amounts in the Fund shall be available, as provided in appropriations Acts, in accordance with subsection (c)—

(1) for programs aimed at enhancing the international competitiveness of the United States textile and apparel manufacturers; and

(2) to the Customs Service for the enforcement of laws governing trade in textile and apparel goods.

(c) FUNDING.—

(1) DEPOSITS.—There shall be deposited in the Fund in each fiscal year the amount, if any, by which—

(A) the amount collected in fines by virtue of the amendments made by section 9 exceed

(B) the total amount collected for violations involving textile and apparel goods during fiscal year 1996 under section 592 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of this Act, adjusted in accordance with paragraph (2).

(2) ADJUSTMENT.—(A) The amount referred to in paragraph (1)(B) shall be increased in each fiscal year beginning in fiscal year 1998 by an amount equal to the amount described in paragraph (1)(B) multiplied by the cost-of-living adjustment.

(B) For purposes of subparagraph (A), the cost-of-living adjustment for any fiscal year is the percentage (if any) by which—

(i) the CPI for the preceding fiscal year, exceeds

(ii) the CPI for the fiscal year 1996.

(C) For purposes of subparagraph (B), the CPI for any fiscal year is the average of the Consumer Price Index as of the close of the 12-month period ending on August 31 of such fiscal year.

(D) For purposes of subparagraph (C), the term ''Consumer Price Index'' means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(E) If any increase determined under this paragraph is not a multiple of $100, such increase shall be rounded to the nearest multiple of $100.

(3) ALLOCATIONS.—(A) 25 percent of the amounts deposited in the Fund in each fiscal year shall be made available to the Customs Service under subsection (b)(2).

(B) 75 percent of the amounts deposited in the Fund in each fiscal year shall be made available for programs designated pursuant to subsection (b)(1).

(d) ANNUAL REPORT TO CONGRESS.—The Secretary of Commerce shall submit to the Congress, not later than April 1 of each year, a report on the contribution to the United States economy of the domestic textile and apparel industry.

SEC. 5. TEXTILE AND APPAREL QUOTA LEVELS.

(a) FOR COUNTRIES THAT ARE NOT WTO MEMBERS AND DO NOT HAVE TEXTILE AGREEMENTS WITH THE UNITED STATES.—

(1) IF EXPORTS TO THE UNITED STATES EXCEED $100,000,000 ANNUALLY OR ARE CREATING SERIOUS DAMAGE OR ACTUAL THREAT THEREOF.—The Trade Representative shall take the necessary steps to negotiate an agreement, in accordance with paragraph (2), between the United States and any country that—

(A) is not a WTO member and is not a country to which section 3(a) applies,

(B) is not a party to a textile agreement with the United States, and

(C) whose exports to the United States of textile and apparel goods—

(i) are valued at more than $100,000,000 in the most recent 12-month period ending on the last day of the preceding month; or

(ii) are creating serious damage or actual threat thereof to the domestic industry in the United States in any textile category established by CITA.

(2) CONTENTS OF AGREEMENTS.—It is the sense of the Congress that an agreement negotiated with a country under paragraph (1) should establish maximum amounts of textile and apparel products of that country that may be imported into the United States that do not exceed—

(A) in the first 12-month period that the agreement is in effect, an increase of more than 8 percent of the total volume in square meter equivalents of all textile and apparel products of that country imported in the 12-month period ending on the date the negotiations began; and

(B) in each subsequent 12-month period that the agreement is in effect, an increase of not more than the percentage of growth in the domestic market in the United States for all textile and apparel products in the preceding 12-month period.

(3) INCLUSION OF OTHER PROVISIONS.—Those provisions required to be included in an agreement under section 3(b) may be included in the agreement negotiated under this subsection.

(4) DETERMINATIONS OF SERIOUS DAMAGE OR ACTUAL THREAT THEREOF.—CITA shall make the determinations of serious damage or actual threat thereof referred to in paragraph (2), using the criteria set forth in paragraph 3 of Article 6 of the Agreement on Textiles and Clothing.

(b) FOR COUNTRIES THAT ARE NOT WTO MEMBERS AND HAVE TEXTILE AGREEMENTS WITH THE UNITED STATES.—In the case of a country that is not a WTO member but is a party to a textile agreement with the United States, the Trade Representative shall take the necessary steps to negotiate a textile agreement to go into effect when the current agreement expires, that allows imports of textile and apparel products of that country, during each 12-month period that the agreement is in effect, to increase by not more than the percentage of growth in the domestic market in the United States for all textile and apparel products in the preceding 12-month period.

(c) FOR COUNTRIES THAT ARE ACCEDING TO THE WTO.—In any case in which the United States negotiates a protocol for accession to the WTO under section 3(a), the Trade Representative shall negotiate for inclusion in that protocol provisions that require that the 10-year period provided in the Agreement on Textiles and Clothing for phasing out of quotas under that Agreement begin, with respect to that country, on the day on which that country accedes to the WTO.

SEC. 6. CIRCUMVENTION OF TEXTILE AGREEMENTS.

(a) POLICY FOR COUNTRIES THAT ARE NOT WTO MEMBERS.—In the case of any country that is not a WTO member and—

(1) is negotiating a protocol with the United States for that country's accession to the World Trade Organization,

(2) is a party to a bilateral agreement with the United States that governs imports into the United States of textile and apparel products of that country, or

(3) is a country with which the United States is negotiating an agreement under section 5(a),

the Trade Representative shall ensure that the protocol under paragraph (1), a subsequent agreement to replace the agreement under paragraph (2) when it expires, or the agreement described in paragraph (3), as the case may be, provides for a reduction in the quantity of textile and apparel goods of that country that may be imported into the United States if CITA determines that the agreement is being circumvented and that no, or inadequate measures, are being applied by that country to take action against such circumvention. Any determination by CITA under the preceding sentence shall be made in accordance with the standards set forth in section 8.

(b) DEFINITIONS.—For purposes of this section, a reduction in a country's textile and apparel quotas is a reduction in quantitative limitations otherwise applicable to imports into the United States of that country's textile and apparel products that is equal to—

(1) the quantity of the goods involved in the circumvention if the circumvention is the first within the most recent 36-month period;

(2) twice the quantity of goods involved in the circumvention if the circumvention is the second in the most recent 36-month period; or

(3) three times the quantity of goods involved in the circumvention if the circumvention is the third or more in the most recent 36-month period.

(c) POLICY FOR WTO MEMBERS.—In any case in which a WTO member is found by CITA to have circumvented the Agreement on Textiles and Clothing or any other textile agreement, CITA shall pursue the maximum penalty consistent with the WTO.

SEC. 7. CUSTOMS ENFORCEMENT ACTION.

(a) SHARING OF CUSTOMS INFORMATION WITH CITA.—The Customs Service shall, upon initiating an investigation relating to a violation of the laws of the United States governing international trade in textile and apparel goods, inform CITA of the investigation in any case in which the alleged violation, if true, would constitute a circumvention of any textile agreement. In any such case, the Customs Service shall provide to CITA—

(1) all information CITA requests that is relevant to the alleged violation and required in order for CITA to pursue a charge against the quotas on imports of textile and apparel products of that country as a result of the violation; and

(2) notification, at least every 30 days until the investigation is referred to the Department of Justice or the Customs Service closes the investigation, of the progress of the investigation.

(b) FACTORS IN PROCEEDING WITH CHARGES AGAINST QUOTAS.—In deciding whether to pursue a charge described in subsection (a)

as a result of an alleged violation described in subsection (a), CITA, in addition to any other relevant factors which CITA may consider, shall weigh the impact of proceeding with such charge on potential prosecutions or civil penalties and future enforcement of textile agreements, and shall consider the amount of the alleged violation, the probability of successful criminal prosecution, the degree of compliance by the true country of origin with textile agreements, and the damage the alleged violation would inflict on the domestic textile and apparel industry.

(c) DECISION NOT TO PURSUE A CHARGE.—In any case in which CITA decides under subsection (b) not to pursue a charge, the Customs Service shall, as long as that decision is in effect, report to CITA, in lieu of the reports under subsection (a)(2)—

(1) at least once every 6 months from the date on which the Customs Service initiated the case, on the status of the investigation; and

(2) within 10 business days after the Customs Service obtains new information or evidence materially relevant to the alleged violation.

(d) STANDING NOT PROVIDED.—Nothing in this Act shall be construed to provide standing in any court or administrative proceeding for legal action against the United States arising from actions taken in carrying out the laws governing trade in textile or apparel goods.

(e) REFERRAL OF CASES TO DEPARTMENT OF JUSTICE.—In any case in which—

(1) the Customs Service refers an alleged violation described in subsection (a) to the Department of Justice for prosecution, and

(2) no indictment has been brought in the case within 6 months after the referral,

the Attorney General shall provide to CITA all information relevant to imposing a charge against the quotas on imports of textile and apparel products of the country concerned as a result of the violation. CITA may extend the 6-month period referred to in paragraph (2) if requested to do so by the Attorney General.

(f) DISCLOSURE OF CERTAIN CONFIDENTIAL INFORMATION NOT REQUIRED.—Nothing in this section shall be construed to require the disclosure by the Customs Service or the Department of Justice of confidential information relevant to possible imposition of criminal or civil penalties when that information is not relevant to the imposition of a charge by CITA against the quotas on imports of textile and apparel products of a country.

(g) INITIATION OF INVESTIGATIONS.—

(1) BASIS FOR INITIATION.—Subject to paragraph (2), whenever the Customs Service receives credible evidence that circumvention of a textile agreement has occurred, the Customs Service shall initiate an investigation, to which a customs officer shall be assigned, to determine if such circumvention has occurred, unless such evidence is directly related to an open investigation commenced prior to the receipt of such evidence.

(2) WAIVER.—The head of the Division of Textile Enforcement established under section 10 may determine not to initiate an investigation under paragraph (1) if he or she transmits to CITA a report setting forth the reasons for that determination.

SEC. 8. STANDARDS OF PROOF.

(a) IN GENERAL.—CITA may determine that a country has circumvented a textile agreement if CITA determines, after consultations with the country concerned, that there is a substantial likelihood that the circumvention occurred.

(b) FAILURE OF COUNTRY TO COOPERATE.—

(1) RELIANCE ON BEST AVAILABLE INFORMATION.—If a country fails to cooperate with CITA in an investigation to determine if a textile agreement has been circumvented, CITA shall base its determination on the best available information.

(2) ACTS CONSTITUTING FAILURE TO COOPERATE.—Acts indicating failure of a country to cooperate under paragraph (1) include, but are not limited to—

(A) denying entry of officials of the Customs Service to investigate violations of, or promote compliance with, any textile agreement;

(B) providing appropriate United States officials with inaccurate or incomplete information, including information demonstrating compliance with United States rules of origin for textile and apparel products; and

(C) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers within the country.

SEC. 9. PENALTIES FOR VIOLATIONS OF CUSTOMS LAWS INVOLVING TEXTILE AND APPAREL GOODS.

(a) PENALTIES.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended by adding at the end the following:

''(g) PENALTIES INVOLVING TEXTILE AND APPAREL GOODS.—

''(1) FRAUD.—Notwithstanding subsection (c), the civil penalty for a fraudulent violation of subsection (a) involving textile and apparel goods—

''(A) shall, subject to subparagraph (B), be double the amount that would otherwise apply under subsection (c)(1); and

''(B) shall be an amount not to exceed 300 percent of the declared value in the United States of the merchandise if the violation has the effect of circumventing any quota on textile and apparel goods.

''(2) GROSS NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a grossly negligent violation of subsection (a) involving textile and apparel goods—

''(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (c)(2);

''(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 200 percent of the declared value of the merchandise; and

''(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a fraudulent violation under paragraph (1) (A) or (B), whichever is applicable.

''(3) NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a negligent violation of subsection (a) involving textile and apparel goods—

''(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (a)(3);

''(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 100 percent of the declared value of the merchandise; and

''(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a grossly negligent violation under paragraph (2) (A) or (B), whichever is applicable.''.

(b) MITIGATION.—Section 618 of the Tariff Act of 1930 (19 U.S.C. 1618) is amended—

(1) by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever'', and

(2) by adding at the end the following new subsection:

''(b) MITIGATION RULES RELATING TO TEXTILE AND APPAREL GOODS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary of the Treasury may remit or mitigate any fine or penalty imposed pursuant to section 592 involving textile or apparel goods only if—

''(A) in the case of a first offense, the violation is due to either negligence or gross negligence; and

''(B) in the case of a second or subsequent offense, prior disclosure (as defined in section 592(c)(4)) is made within 180 days after the entry of the goods.

''(2) SPECIAL RULE FOR PRIOR DISCLOSURES AFTER 180 DAYS.—In the case of a second or subsequent offense where prior disclosure (as defined in section 592(c)(4)) is made after 180 days after the entry of the goods, the Secretary of the Treasury may remit or mitigate not more than 50 percent of such fines or penalties.''.

(c) SEIZURE AND FORFEITURE.—Section 596(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)) is amended—

(1) in subparagraph (E), by striking ''or'' after the semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) by inserting after subparagraph (F) the following:

''(G) consists of textile or apparel goods introduced into the United States for entry, transit, or exportation, and

''(i) the merchandise or its container bears false or fraudulent markings with respect to the country of origin, unless the importer of the merchandise demonstrates that the markings were made in order to comply with the rules of origin of the country that is the final destination of the merchandise; or

''(ii) the merchandise or its container is introduced or attempted to be introduced into the United States by means of, or such introduction or attempt is aided or facilitated by means of, a material false statement, act, or omission with the intention or effect of—

''(I) circumventing any quota that applies to the merchandise, or

''(II) undervaluing the merchandise.''.

(d) CERTIFICATES OF ORIGIN.—Notwithstanding any other provision of law, all importations of textile and apparel goods shall be accompanied by—

(1)(A) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(B) if there is more than one manufacturer or producer, or there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subparagraph (A) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(2) a certification by the importer that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(3) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

Information provided under this subsection shall be sufficient to demonstrate compliance with the United States rules of origin for textile and apparel goods.

SEC. 10. DIVISION ON TEXTILE ENFORCEMENT.

(a) ESTABLISHMENT.—The Commissioner of Customs shall, not later than 6 months after the date of the enactment of this Act, establish in the Customs Service a Division on Textile Enforcement (hereafter in this section referred to as the ''DTE''), using existing resources available to the Customs Service. The head of the DTE shall be an officer

of the Customs Service in a position at the level of an Assistant Commissioner of Customs.

(b) FUNCTIONS.—The DTE shall be responsible for enforcing all laws of the United States, and all bilateral and multilateral treaties and agreements, governing the importation of textile and apparel goods, that the Customs Service is responsible for enforcing.

(c) PERSONNEL.—The Commissioner of Customs shall assign personnel to the DTE who have expertise in textile and apparel goods, including, but not limited to, import specialists, investigators, attorneys, accountants, laboratory technicians, and members of the textile production verification teams.

(d) SUBDIVISIONS.—The DTE shall establish a separate subdivision for each geographic region which is a major source of textile and apparel goods imported into the United States, including a subdivision for each of the following:

(1) The Far East.
(2) South Asia.
(3) South America.
(4) Central America and the Caribbean.
(5) The Middle East and Africa.

(e) ASSIGNMENTS ABROAD.—

(1) TO CERTAIN COUNTRIES.—If permitted by the host country, at least 1 customs officer shall be assigned in each country, other than Canada or Mexico, whose annual exports to the United States of textile and apparel goods equal or exceed 500,000,000 square meter equivalents. Each such customs officer shall be responsible only for matters relating to exports to the United States of textile and apparel goods.

(2) RESPONSIBILITY OF SECRETARY OF STATE.—The Secretary of State shall take the necessary steps to facilitate the assignment abroad of customs officers under paragraph (1), by seeking to obtain the approval of the foreign governments concerned for such assignments.

(f) REPORTS.—

(1) REPORTS BY CUSTOMS OFFICERS.—Each customs officer assigned under subsection (e)(1) shall prepare and submit to the Commissioner of Customs, at least monthly, reports summarizing his or her activities, assessing the compliance with applicable textile agreements by the country concerned, and assessing the intellectual property protection provided to textile and apparel goods in that country.

(2) REPORTS BY DTE.—The DTE shall prepare and submit to the Commissioner an annual report—

(A) evaluating the extent of circumvention of textile agreements with the United States, the extent of compliance with the rules of origin of the United States relating to textile and apparel goods, the extent to which countries act in compliance with Article XX of the GATT 1994 (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) with respect to textile and apparel goods, and the adequacy of intellectual property protection provided to textile and apparel goods; and

(B) recommending new methods, if necessary, to address the matters evaluated under subparagraph (A).

(3) AVAILABILITY OF REPORTS.—Each report submitted under this subsection shall be made available to appropriate agencies of the executive branch, including the Office of Textiles, Apparel, and Consumer Goods of the Department of Commerce.

SEC. 11. WITHDRAWAL OF UNILATERAL TRADE CONCESSIONS.

(a) WITHDRAWAL OF CONCESSIONS.—In any case in which—

(1) CITA determines that a country—

(A) has demonstrated a consistent pattern of circumventing textile agreements with the United States,

(B) refuses to cooperate with investigations by the United States of any such alleged circumvention,

(C) fails to provide adequate enforcement of intellectual property rights with respect to textile and apparel goods, or

(D) fails to provide fair and equitable market access for textile and apparel products of the United States, and

(2) the United States extends to the products of that country preferential tariff or quota treatment other than pursuant to a bilateral or multilateral agreement,

then such preferential treatment shall be withdrawn from the textile and apparel goods that are products of that country for such period as shall be determined by the Trade Representative, in consultation with CITA.

(b) NATIONAL INTEREST WAIVER.—The President may waive the application of subsection (a) with respect to a country if the President determines that the waiver will allow the United States to secure effective commitments from that country to prevent future circumvention of textile agreements with the United States, or is otherwise in the national interest. The President shall publish any such waiver, and the reasons for the waiver, in the Federal Register.

SEC. 12. DEFINITIONS.

As used in this Act:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) CIRCUMVENT AND CIRCUMVENTION.—The terms ''circumvent'' and ''circumvention'' refer to a situation in which a country—

(A) takes no, or inadequate measures to prevent illegal transshipment of goods that is carried out by rerouting, false declaration concerning country or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means; or

(B) takes no or inadequate measures to prevent being used as a transit point for the shipment of goods in violation of an applicable textile agreement.

(3) CITA.—The term ''CITA'' means the Committee for the Implementation of Textile Agreements established under Executive Order 11651 of March 3, 1972 (7 U.S.C. 1854 note), or any successor entity or officer performing functions of that committee after the date of the enactment of this Act.

(4) COUNTRY.—The term ''country'' includes a separate customs territory, within the meaning of Article XII of the WTO Agreement or other applicable international agreement.

(5) CUSTOMS SERVICE.—The term ''Customs Service'' means the United States Customs Service.

(6) MULTIFIBER ARRANGEMENT.—The term ''Multifiber Arrangement'' means the Arrangement Regarding International Trade in Textiles referred to in Article 1(3) of the Agreement on Textiles and Clothing.

(7) TEXTILE AGREEMENT; TEXTILE AGREEMENT WITH THE UNITED STATES.—The terms ''textile agreement'' and ''textile agreement with the United States'' mean an agreement relating to textile and apparel goods that is negotiated under section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854), including the Agreement on Textiles and Clothing.

(8) TRADE REPRESENTATIVE.—The term ''Trade Representative'' means the United States Trade Representative.

(9) WORLD TRADE ORGANIZATION AND WTO.—The terms ''World Trade Organization'' and ''WTO'' mean the organization established pursuant to the WTO Agreement.

(10) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(11) WTO MEMBER.—The term ''WTO member'' means a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement.

SEC. 13. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1996.

Mr. HOLLINGS. Mr. President, I rise today to support the efforts of my good friend from Kentucky, Senator FORD, and the tireless efforts of my colleague in the House, Congressman JOHN SPRATT. Mr. President, in the last year alone we have lost over 150,000 jobs in the textile and apparel industry. Just last week, Springs Industries announced it would close several plants and lay off 850 employees.

Our trade deficit in textiles and apparel stands at an appalling $35 billion.

As bad as that number is, the sad fact is that $35 billion underestimates the true size of the trade deficit. Because of the massive amounts of transhipment that have flooded our shores, the actual trade deficit is some $6 billion larger. What is left of the quota system has become a porous sieve, subject to the manipulation of shady importers and retailers who look the other way at fraudulent schemes designed to evade our quota system, and steal jobs from the American worker.

The legislation being introduced will shut down the illegal evasion of our quotas. It slaps harsh penalties on customs offenders, and it provides customs with adequate resources to enforce our textile agreements.

Mr. President, the time has come for the administration to crack down on this lawless behavior and stand up for the American worker.

Mr. HELMS. Mr. President, this is important legislation that will be beneficial to an enormous number of Americans because it will open foreign markets to U.S. products and countries that engage in dishonest activities in international trade. Those that violate trade laws and trade agreements will pay for it. This bill establishes a level playing field for U.S. textile companies and takes an unmistakable stand for American workers. If foreign markets can be opened, and U.S. trade with countries overseas increased, it will be a tremendous boost for U.S. jobs.

Mr. President, the economic name of the game as we approach the 21st century lies in increasing our exports.

This bill addresses a pressing need. American workers, as matters now stand, are being squeezed from every direction. Many countries, especially Mainland China, are deliberately violating their trade agreements; they are transshipping their goods through other nations deliberately to circumvent United States textile import laws. American workers should not be forced to compete against foreign companies that deliberately engage in illegal and immoral trade practices.

Such countries, Communist China, India, Macau, Hong Kong, to name a few, pump billions of dollars of products into our markets, cheating every step of the way. The Winston-Salem Journal pointed out the other day that the United States Customs Service estimates that China alone illegally transships $4 to $6 billion per year. This banditry costs American businesses—and, therefore, consumers—up to $4 billion a year, not to mention the loss of countless thousands of American jobs.

Mr. President, S. 1951—the Textile and Apparel Global Competitiveness Act of 1996—will, when it becomes law, impose stiff sanctions on countries that transship textile products into the United States. Current penalties will be doubled—in some cases tripled—and more reliable proof of the country of origin will be required for textile imports entering the United States. S. 1951 enables the Customs Service to seize goods imported illegally by the use of false or misleading statements or acts.

So, Mr. President, this bill S. 1951, of which I am a principal cosponsor, is about fair trade and reciprocity. Since U.S. markets are open, it is only fair to demand that other countries open their markets. As matters now stand countless countries close their markets to American products while pouring their exports through our open doors. China, Pakistan, and India together ship 9.4 billion dollars' worth of goods to United States markets—more than 100 times the $92 million in United States goods that were, at last reports, allowed into their countries.

S. 1951, when enacted, will require United States negotiators to secure effective access to foreign markets for United States textile and apparel products; in other words, it will press open markets of countries that have shut their doors in Uncle Sam's face. If we are going to be hospitable to foreign imports, it's only fair to require the same of them. One specific benefit of this bill is that it will deny to China the free trade benefits of the World Trade Organization until China dismantles her iron fence against United States textiles. China must not be permitted to hold membership in the WTO until China removes her arrogant trade barriers.

Moreover, Mr. President, Communist China competes with American workers with unspeakable use of slave labor and child labor. Chinese slave laborers are often political prisoners. Exploitation of children as workers is rampant, especially in Asia.

Mr. President, the United States must never forget that we become a part of what we condone. Therefore, the need for this bill is obvious in the light of the tremendous loss of U.S. jobs inflicted on American workers—particularly in North Carolina—by the illegal practices of foreign countries. The United States lost 53,000 textile jobs last year. North Carolina lost as many as in the 3 previous years combined, with plant shutdowns and layoffs costing 11,316 North Carolina jobs. Fruit of the Loom alone was forced to abolish 3,200 jobs in 1995, and a Fruit of the Loom spokesman blamed it on ''the cumulative impact of NAFTA and GATT'' trade agreements.

Headline after headline has announced major company shutdowns or job layoffs. An eye-popping review article in the Winston-Salem Journal provided a long list of companies—including, among others, Sara Lee, Fieldcrest Cannon, Dupont, and Tultex—that have closed plants and laid off workers in North Carolina in the first part of this year. Overall, 2,918 layoffs in 26 North Carolina cities and towns were announced in the first 4 months of 1996.

Mr. President, I ask unanimous consent that the aforementioned Winston-Salem Journal article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, while foreign imports are pouring in like a tidal wave, North Carolina workers are being forced onto the unemployment lines. This obviously is having a devastating impact on families and communities across America. Mr. President, this bill isn't ''protectionism,'' it's ''survivalism.'' United States business should—and must—demand access to the international market so that American workers can have a fair shot in world competition.

EXHIBIT 1

[From Winston-Salem Journal, July 7, 1996]

SOCK IT TO 'EM?

CONGRESS TAKES AIM AT ASIA IN TEXTILE BILL

(By John Hoeffel)

WASHINGTON.—Stories of textile plants closing and laid-off workers scrambling to find scarce low-skilled jobs in this high-tech world have been commonplace for at least 20 years. The number of textile employees has been in a steady slide.

But the news appears to be getting worse.

Last year, North Carolina lost as many textile jobs as in the previous three years combined. Plant closing and layoffs cost the state 11,316 jobs.

In the first four months of this year, 22 companies announced 2,918 layoffs in 26 North Carolina cities and towns.

North Carolina is the nation's No. 1 textile-producing state, and it has almost a third of the employees.

Nationwide, 53,500 textile jobs were lost in 1995.

Even with those stunning losses, textiles and apparel are still the top manufacturing industry in North Carolina, with annual sales averaging about $25 billion. Three of the state's top five employers are textile companies, including Sara Lee Corp., which has several divisions based in Winston-Salem.

At the end of last year, 261,641 North Carolinians still worked in the industry, which is concentrated in the Piedmont. Forsyth, Guilford and Surry counties all rank in the top 10 counties for textile and apparel employment.

The politically powerful companies have a long record of looking to Washington for help, and the South's congressmen have an equally long record of hastening to erect barriers to cheap imports.

But this is a new economic era.

Free trade is now the mantra of centrists in both the Republican and Democratic parties. The North American Free Trade Agreement and the General Agreement on Tariffs and Trade dismantled many trade barriers, including protectionist textile quotas that will be completely eliminated by 2005.

Faced with mounting job losses, congressmen from the South cast about for another avenue and found it with a bill that was introduced last month.

That bill, called the Textile and Apparel Global Competitiveness Act, aims not at keeping imports out, but at cracking open foreign markets that are closed to American exports. ''We expect their door to be more than slightly ajar,'' said Rep. Howard Coble, the 6th District Republican who is the chairman of the House textile caucus and an original co-sponsor of the bill. ''We're not building a wall around ourselves and trying to block imports.''

The bill also aims at ending transshipments, the illegal practice of sneaking textiles from one country into the United States under another country's quota by diverting them through that third country. The bill is targeted at Asia in general and China in particular.

The United States exported $1.96 billion in textiles to the top 14 textile producing countries in Asia. Those countries exported $24.79 billion in textiles to the United States.

A source with the U.S. Customs Service says that China transships $4 billion to $6 billion through such places as Hong Kong and Macau, where the products are relabeled ''Made in Hong Kong'' or ''Made in Macau.''

Sen. Jesse Helms, R–N.C., who is no fan of China and has railed against transshipping, plans to sponsor a version of the bill in the Senate. ''It requires retaliation against countries that just flout honest and decency in international trade and countries that are closed to us and do business in our country,'' he said. ''It's time for us to stand up for American workers.''

The bill strengthens the roles of the U.S. trade representative in negotiating agreements and the Customs Service in investigating illegal shipments. It establishes steep penalties for violations. It doubles some fines and reduces quotas by an amount equal to three times the volume of transshipped goods when a country is caught transshipping for the third time.

Textile importers, who could be socked with stiff penalties for importing illegal products, oppose the bill.

''It's the same industry coming back after many, many years of protection wanting more special favors from government,'' said Laura E. Jones, the executive director of the U.S. Association of Importers of Textiles and Apparel. ''They still don't want to compete.''

The bill's supporters, sensitive about their protectionist past, react defensively, bringing up the subject of protectionism on their own. ''We're going to have to do a good marketing job in making it clear that this is not a protectionist proposal,'' Coble said.

But Jones said that the bill amounts to back-door protectionism, making it easier for a select industry to pursue sanctions against importers and foreign countries. ''They do not need to have standards lowered for them so they can go around harassing our industry,'' she said.

As with the old protectionist legislation, Jones said, the consumers lose. ''I just think the consumers end up paying more in the end.'' she said.

She also charged that Customs has not discovered massive transshipment because they

don't exist. ''The Customs Service can find cocaine and heroin, but they can't find bras and underpants,'' she said sarcastically. ''If they can't find it now, this isn't going to be an incentive to them to find it later.''

The bill is not expected to pass this session because the schedule is too crowded.

''We just don't want this shoved off the table,'' Coble said.

Rep. John Spratt, D–S.C., was the main author and introduced the bill. But in an election-year press release, Rep. Richard Burr, the 5th District Republican and an original co-sponsor, claimed credit for introducing it.

By all accounts, Burr worked hard to collect co-sponsors to help demonstrate wide support for the bill. It has more than 100.

Some in the industry have criticized the Clinton administration, arguing that it has done little to enforce textile treaties. Helms, though, was more expansive in directing his criticism. ''I have got to be honest and say that previous administrations and the present administration have not done enough. It's a bipartisan folly,'' he said.

Work on the bill seemed to rattle the administration's cage.

Customs announced last month that it was taking measures designed to stem Chinese transhipments through Macau and Hong Kong, requiring greater verification that textiles shipped from those countries were made there. Customs just this month received the power to block shipments from factories that won't allow Customs investigators inside.

Whether the bill and this Customs effort, will half the job losses is unclear. Burr said that it is imperative to introduced the bill because of continuing plant closings, citing the two that Sara Lee Knit Products announced in Sparta, costing 250 jobs, and in Jefferson, costing 589.

But Sara Lee officials said that both plants closed because of weak domestic sales and that opening foreign markets would not have prevented the move. ''It's really completely unrelated,'' Nancy Young said.

Textile and apparel companies are suffering through an extended retail slowdown. But the companies are also cutting jobs, as Gordon A. Berkstresser III notes, because of continuing automation and other efficiencies.

And Berkstresser, a professor of textile and apparel management at N.C. State University, also questioned whether the companies are prepared to sell in Indonesia or Malaysia. ''We haven't gone over and done the kind of market research to see what kind of products we can sell in Asia,'' he said.

But Dennis M. Julian the executive vice president of the N.C. Textile Manufacturers Association, said he thinks that the bill would help stabilize the industry.

Jerry Cook, the director of international trade for Sara Lee Knit Products, said: ''Anything that helps open market access, I think we'd be really supportive of. It's a tough market out there.''

TEXTILE TRADE WITH ASIA

[In millions of dollars]

U.S. Exports to:	
Bangladesh	
China	63.0
Taiwan	93.5
Hong Kong	268.3
India	14.9
Indonesia	21.4
Japan	145.6
South Korea	136.7
Macau	
Malaysia	23.0
Pakistan	
Philippines	53.1
Singapore	103.6
Thailand	41.3
Total	1,964.4
U.S. Imports from:	
Bangladesh	1,114.5
China	4,802.5
Taiwan	2,757.8
Hong Kong	4,390.8
India	1,614.9
Indonesia	1,336.2
Japan	481.1
South Korea	2,271.1
Macau	764.3
Malaysia	745.2
Pakistan	964.8
Philippines	1,704.0
Singapore	425.5
Thailand	1,419.8
Total	24,792.5

TEXTILE AND APPAREL PLANT CLOSINGS AND LAYOFFS IN NORTH CAROLINA—ANNOUNCED IN THE FIRST FOUR MONTHS OF THIS YEAR

Company	Location	Jobs lost	Reason given
Champion Products	Weaverville	200	Cutting costs
CMI Industries	Elkin, Boonville	100	Slow sales
Comar industries	Monroe	105	Decreased demand
Dupont	Kinston	200	Cutting costs
	Wilmington	50	Cutting costs
Fieldcrest Cannon	Concord	150	Relocating operations
Ithaca Industries	Gastonia	70	Reduction in force
	Wilkesboro	50	Reduction in force
Jaspar Textiles	Angler	75	Consolidation
Jonbil	Henderson	62	Import competition
Lucia	Winston-Salem	55	Restructuring
	Elkin	13	Restructuring
N.C. Garment Co.	High Point	32	Import competition
Oxford industries	Burgaw	90	Import competition
Rocky Mount Mills	Monroe	320	Competition
Royals	Skyland	50	Import competition
Sarah Lee Hosiery	Winston-Salem	45	Slow sales
Sare Lee Knit Products	Lumberton	370	Cutting costs
SCT Yarns	Cherryville	180	Foreign competition
SOft Care Apparel Co.	Fuquay-Varina	100	Economics
Southern Apparel Co.	Robersonville	80	Lost contract
The Bibb Co.	Rockingham	250	Downsizing
Tultex	Marion	141	Production moved overseas
U.S. Colors	Rocky Mount	50	Ceased product line
Whisper Soft Mills	Kenansville	80	Decreased profits
Total jobs lost to closings and layoffs		2,918	

Source: Newspaper articles supplied to the N.C. Employment Security Commission.

Mr. BYRD. Mr. President, I wholeheartedly support the bill that the Senator from Kentucky [Mr. FORD] has just introduced. The Textile and Apparel Global Competitiveness Act of 1996 will provide needed protections for struggling U.S. textile and apparel producers from unfair competition caused by overseas producers who seek to exceed U.S. quotas. These overseas producers ship excess goods through circuitous routes so that they appear to originate in third countries whose U.S. import quotas have not been met. The Customs Service and industry estimates put the cost of this practice to American industry and its workers at $2 to $4 billion.

The Textile and Apparel Global Competitiveness Act requires more equitable trade negotiations on textile and apparel goods, with greater access to foreign markets for U.S.-produced textile and apparel goods. It also provides for increased enforcement of existing trade laws, with higher fines providing additional trade adjustment assistance to U.S. textile and apparel producers.

In West Virginia, two companies that sew clothing proudly bearing ''Made in the USA'' labels, Hodges Apparel and Safety Stitch, have been feeling the squeeze created by that kind of overseas competition. This spring, both manufacturers were notified that their major supplier would be forced to move its work offshore in order to regain profitability. Unless these West Virginia firms can garner other orders, the last 200 talented and dedicated garment workers in Harrisville will be out of work. In this economically challenged area, job losses on this scale constitute more than a minor unravelling of the economic fabric of Ritchie County—they are a tear in the very fabric of American society.

Mr. President, these potential job losses are not occurring because the quality of clothing produced in the United States is poor; quite the contrary. U.S.-made clothing and textiles are competitive with their overseas competitors on the basis of design, quality, and any standard other than cost. But U.S. production costs must include pension and health care payments for workers, and costs to meet workplace safety and environmental standards. Overseas producers are not required to cover these costs and meet these standards. They may overwork and underpay their workers, forcing

them to labor in unsafe factories that pollute the air and water around them.

The United States is proud of its laws protecting workers and the environment. The Senate this week voted to increase the minimum wage, so that working men and women can provide an adequate standard of living for their families. None of us wants to reduce that standard of living, or give up workplace safety or clean air and water in order to ''compete'' with inexpensive goods produced by workers paid just pennies a day before they return to squalid homes under skies laden with pollutants. But if we are to preserve our jobs in the face of such undercutting competition, we must ensure that U.S. producers are needed in order to meet the demand for clothing and textile goods. That is, in part, why quotas exist—to prevent overseas producers from saturating the market for U.S. goods, undercutting U.S. products produced at higher cost.

Attempts by these overseas producers to evade U.S. import quotas, or to evade other U.S. trade laws and treaties, must be firmly and effectively halted. Enforcement, fines and other remedies must be sufficient to deter this kind of behavior. The bill introduced by the Senator from Kentucky accurately targets these problems. It also provides a source of additional revenue for trade adjustment assistance for U.S. textile and apparel producers, helping them to modernize and more effectively compete on a cost basis with overseas competitors, both here and in foreign markets. I am proud to be a cosponsor, and I thank Senator FORD for his leadership in introducing this bill.

Mr. HEFLIN. Mr. President, I am pleased to join my colleague from Kentucky and others in introducing the Textile and Apparel Global Competitiveness Act. This important legislation addresses a problem of grave consequence in my State and others where the textile and apparel industry has been hurt dramatically in recent years due to job relocation and factors resulting from the enactment of NAFTA and GATT. This bill does nothing to undo these agreements, but it does go a long way toward strengthening protections for the textile and wearing apparel sector of the economy and the millions of workers affected by the changes which are occurring.

This legislation requires the U.S. Trade Representative, when negotiating textile agreements with nations who are not members of the World Trade Organization to secure effective market access for American textile and apparel producers. It includes provisions allowing penalties for noncompliance with these market-access agreements under WTO rules and U.S. law. Furthermore, it creates a special 301 list for market access for these products and requires the Secretary of Commerce to issue a report to Congress each year that outlines the economic contribution of the American textile and apparel industries.

While the industry enjoys broad support in Congress and in the administration, it has been the target of aggressive attacks during the last several years. Most of these attacks have been thwarted, but they have come at a time when the textile and apparel industry is undergoing major transformation as it pushes to increase productivity and to become more global in its perspective and methods of operation.

The American textile and apparel industry is seeking to make a successful transition to a quota-free environment within a 10-year timeframe. This transition must have the safeguards provided by this measure in order to allow the industry to realize that success.

I congratulate Senator FORD for his leadership on this issue and urge my colleagues to join us in supporting the Textile and Apparel Global Competitiveness Act.

Mr. THURMOND. Mr. President, I rise today to join with several of my colleagues to sponsor the Customs Enforcement Act of 1996. This legislation is designed to strengthen our laws which fight illegal trade in textile and apparel items and open foreign markets to more American products. A companion measure, H.R. 3654, was recently introduced in the House of Representatives.

Mr. President, I have often stated that trade with other countries should be fair, as opposed to free. This means that when exporters from another country seek unlimited access to our markets, then our U.S. producers should likewise have open access to their country's markets. Many examples exist where the United States has given another country access to our marketplace, only to have our access limited in their country. The legislation we are introducing today attempts to mitigate this practice. This measure will require the USTR to secure effective market access for U.S. produced textile and apparel products. Further, if these markets are not opened, the USTR has the ability to impose penalties in an attempt to force these markets open.

Mr. President, another major concern this legislation attempts to address is transshipping. This is a practice where an exporter ships goods through a third country to avoid U.S. import quotas. The worst offenders in the area of transshipment countries are China, India, and Pakistan. It is estimated that transshipments account for at to least 4 billion dollars' worth of the textile and apparel items shipped into the United States in a year and this figure could be as high as $8 billion. This bill, Mr. President, tightens the requirements for importing items into this country and provides for better documentation so that transshipping can be more easily traced. Further, penalties are increased for each transshipping violation.

Mr. President, this is not a protectionist bill. Nor does it limit textile imports. This measure attempts to level the playing field for the domestic textile and apparel industry. I hope my colleagues will support this measure and move it expeditiously through the legislative process.

ADDITIONAL COSPONSORS

S. 1397

At the request of Mr. KYL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1868

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1868, a bill to amend the Deepwater Port Act of 1974 to promote the use of deepwater ports to transport Outer Continental Shelf oil by reducing unnecessary and duplicative regulatory requirements, and for other purposes.

S. 1938

At the request of Mr. BOND, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 1938, a bill to enact the model Good Samaritan Act Food Donation Act, and for other purposes.

S. 1943

At the request of Mr. GRAHAM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1943, a bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such Act, and for other purposes.

SENATE RESOLUTION 278—TO AUTHORIZE TESTIMONY

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 278

Whereas, in the case of *State of Florida* v. *Kathleen Bush*, Case No. 96–6912 CF10(A), pending in the Circuit Court for Broward County, Florida, testimony and document production has been requested from Mary Chiles, an employee on the staff of Senator Bob Graham;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently